

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America
v.

Kyle Tennyson

Case No. **1:24-MJ-00382**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

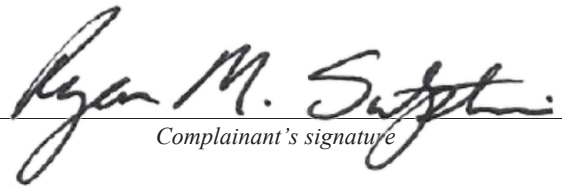
On or about the date(s) of April 30, 2024 in the county of Hamilton in the
Southern District of Ohio, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2422(b)

Using a facility or means of interstate to persuade, induce, entice, or coerce an individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity.

This criminal complaint is based on these facts:

See Affidavit

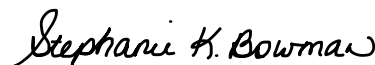
☒ Continued on the attached sheet.

Complainant's signature

SA Ryan Sutphin, HSI

Printed name and title

Sworn and subscribed to before me by reliable electronic means, specifically, FaceTime video conference, pursuant to Fed. R. Crim. P. 4.1.

Date: May 21, 2024

Judge's signature

City and state: Cincinnati, Ohio

Stephanie K. Bowman, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Ryan Sutphin, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the U.S. Department of Homeland Security, Homeland Security Investigations (HSI), and have been so employed since March 2020. As such, I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am empowered by law to conduct investigations of, and to execute both search warrants and arrest warrants for, federal offenses enumerated in Titles 8, 18, 19, and 21 of the United States Code.
2. I am currently assigned to the Assistant Special Agent in Charge field office in Cincinnati, Ohio. As an agent with HSI, I primarily investigate violations of federal criminal laws, including but not limited to, offenses pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251(a) and (e), 2252(a), and 2252A, the interstate transportation of individuals for purposes of prostitution, in violation of 18 U.S.C. § 2421; and sex trafficking of children, or by force, threats of force, fraud, or coercion, in violation of 18 U.S.C. § 1591. Since joining HSI, I have received specific training on human trafficking investigations, child exploitation and child pornography investigations, and I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in multiple forms of media, including computer media. I have also participated in the execution of numerous search warrants involving human trafficking, child exploitation and/or child pornography offenses.
3. I am submitting this affidavit in support of a Criminal Complaint and Arrest Warrant for Kyle TENNYSON for violations of Title 18, U.S.C., § 2422(b) (Coercion and Enticement of a Minor to Engage in Sexual Activity).
4. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known by me concerning this investigation. I have included only those facts and circumstances that I believe are sufficient to establish probable cause for the issuance of a criminal complaint. The information contained in this affidavit is based upon my personal knowledge and observations, my training and experience, and information obtained from other law enforcement officers and witnesses.

PERTINENT FEDERAL CRIMINAL STATUTES

5. In relevant part, 18 U.S.C. § 2422(b) prohibits a person from using any facility or means of interstate or foreign commerce to persuade, induce, entice, or coerce any individual

who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.

FACTS SUPPORTING PROBABLE CAUSE

6. On April 29, 2024, while working with the Miami Valley Human Trafficking Task Force (MVHTTF), HSI Special Agent Ryan Sutphin, in an undercover (UC) capacity, established a profile on the social media application “Kasual”, an online dating application.
7. On April 30, 2024, at approximately 12:28 a.m. the UC was contacted via direct message by an account identified only as “Man, 33, Dublin”. The suspect would later be identified as Kyle TENNYSON. Initial conversation only lasted a few interactions and stopped at approximately 12:37 a.m. when TENNYSON said “I’m doing alright, just bored haha. How about you?”
8. That same day at approximately 5:21 p.m. Task Force Officer (TFO) Kasey Ballinger resumed the conversation with TENNYSON controlling the undercover account. The UC account sent the message “I’m good... just hanging out”.
9. At approximately 6:17 p.m. TENNYSON messaged the UC, “Can you be honest with me about what your age actually is?” The UC replied, “ughhh ok...15”...“everyone stops talking to me tho”...“its not fair...”. TENNYSON replied in part, “It’s just extremely risky to do anything with you sadly :/ I hate the law”. Shortly following that TENNYSON revealed to the UC, “Basically, I was caught for this a few months ago and am currently going through the legal system”...“Girl on bumble said she was 18. She wasn’t. Parents found out. I got screwed.” TENNYSON continued to describe the application making it hard to discuss on the application and offered to text with the UC. The UC agreed asking for TENNYSON’s phone number. TENNYSON said, “Can I ask for one thing first before I do that?”...“Sometimes these things are setups. Could you send me a selfie touching your nose with your pinky finger? Something that ridiculous will help me know you’re real haha”.
10. At approximately 6:56 p.m. the UC sent a selfie style image touching their nose with their index finger. TENNYSON replied, “And I gotta be picky about that pic:p”...“I actually said pinky finger”. TENNYSON added, “There’s a lot of pics with index finger touching nose out there because a lot of people ask for that, so scammers know to find those pics”. At approximately 7:00 p.m., the UC sent a selfie style image depicting their pinky touching their nose. At approximately 7:04 p.m. TENNYSON replied with a similar image, a selfie style photo depicting his pinky touching his nose.
11. At approximately 7:08 p.m. The UC asked, “did you still not want to hang out?”. TENNYSON replied, “Can I ask where exactly you are? I’d want to see how long it would take”. After sending the address the UC asked, “you like younger girls? You said it happened before and u seem ok with me being 15... I like that you’re older...”. TENNYSON acknowledged the UC was portraying a 15-year-old and said he doesn’t

seek out younger girls, but once a connection starts to form, it's hard for him to walk away. TENNYSON added he likes a younger look in girls. The UC asked TENNYSON how long before he would arrive implying, they needed to shower. TENNYSON then requested a screenshot of the UC's location using their phone's map app, indicating he needed to be cautious given his current situation. At approximately 7:34 p.m. the UC sent the requested screenshot. TENNYSON requested a second screenshot with a dot indicating the UC's location on the map. At approximately 7:40 p.m., the UC sent the requested image.

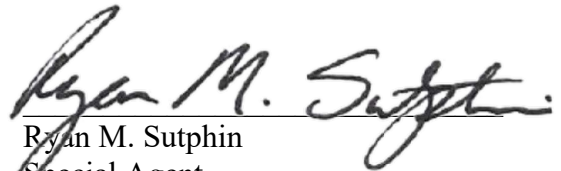
12. At 7:43 p.m. TENNYSON stated, the other thing I wanted from you would probably work better anyway". TENNYSON then directed the UC to take a selfie style picture outside showing the hotel sign in the background. The UC sent the requested image at approximately 7:49 p.m. At 7:51 p.m. TENNYSON requested a second pose in the same location. The UC sent the requested image at approximately 7:54 p.m.
13. At approximately 7:59 p.m. the UC said, "ummm what's your name too tho! I'm Carlee". TENNYSON replied, "I'm Kyle". The UC asked how far Dublin was and TENNYSON indicated approximately "A little under 2 hours :/". TENNYSON added "I don't mind the trip, but depends how late you go lol". The UC responded saying, "I'm 15 remember?!? I can stay up all night and sleep all day. LOL". TENNYSON continued asking if the UC had their own room and if their parents had a key to it, to which the UC indicated "I have both"...and they are across the hall not right next door too!" TENNYSON replied, "Gotcha, that helps lmao, if there's a lot of noise". The UC later asked, "what exactly do you want to do". TENNYSON replied, asking the UC, "do you finger yourself at all down there"...I'm asking because I wonder if you know how small/large the opening is. I have a dick on the thicker side". The UC continued to imply they were inexperienced sexually and didn't know what to do. TENNYSON later said, "I could give you the experience of what a lover really should do for the girl he's with. It includes all kinds of passionate things, lots of touching, kissing, sucking, all of it :) so one thing couples really like to do is eat on each others private parts. For you of course that's giving a blow job. For me it's eating you out, basically sucking and licking on your clit and all other parts of the pussy".
14. At approximately 8:31 p.m. TENNYSON said, "When I get there, to be safe, I will let you know I'm there, then I'd like to see you walk out the front door before I come to the door". The UC indicated the stairwell at the side of the building would be better and TENNYSON agreed. TENNYSON indicated he would bring condoms and directed the UC to put three fingers in their vagina to see how it felt. TENNYSON also advised the UC to research different sexual positions if they wanted to, such as "missionary, cowgirl, and doggy".
15. At approximately 11:24 TENNYSON stated he had just parked his vehicle. TENNYSON asked the UC to open the side door to the hotel so he could see her. UC opened the side stairwell door on level 1 and went back inside the hotel. TENNYSON entered the hotel at approximately 11:30 p.m. and was promptly detained by marked officers. The UC later sent a test message to the number they had been communicating

with. Officer observed the notification alert when the text message was received by the phone detained from TENNYSON upon arrest.

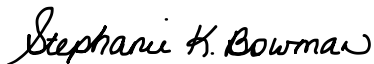
16. TENNYSON was escorted to a nearby hotel room designated for the operation and advised of his constitutional rights (Miranda warning), which he acknowledged he understood and agreed to answer questions at that time. TENNYSON was carrying a grocery bag at the time of his arrest which contained an open box of 36 count condoms. TENNYSON declined to discuss the specific details about who he planned to meet with at the hotel.

CONCLUSION

17. Based on my training and experience, and the facts as set forth in this affidavit, I respectfully submit that there is probable cause to support the arrest of Kyle TENNYSON for violations of 18 U.S.C. § 2422(b) (Coercion and Enticement of a Minor to Engage in Sexual Activity). Thus, I respectfully request that this court authorize a criminal complaint and arrest warrant for TENNYSON.


Ryan M. Sutphin
Special Agent
Homeland Security Investigations

Sworn and subscribed to before me by reliable electronic means, specifically, FaceTime video conference, pursuant to Fed. R. Crim. P. 4.1, on May 21, 2024.





HON. STEPHANIE K. BOWMAN
UNITED STATES MAGISTRATE JUDGE